

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PATRICIA L. CONNOR, et al.,

Plaintiffs,

vs.

CAESARS ENTERTAINMENT CORPORATION,

Defendant.

Case No. 2:16-cv-02255-APG-VCF

ORDER

On January 19, 2017, the Court set an early neutral evaluation (“ENE”) in the instant case for March 7, 2017, and specifically ordered that all individual parties must attend the ENE. Docket No. 13. Despite that order, however, Plaintiffs Parga and Patrick failed to appear at the ENE. The Court therefore ordered Plaintiffs Parga and Patrick to show cause in writing why they should not be sanctioned for failure to comply with the Court’s prior order. Docket No. 20.

On March 14, 2017, Plaintiffs Parga and Patrick responded to the Court’s order to show cause. Docket No. 21. Both submitted declarations, under the penalty of perjury, stating that they were called into work on March 7, 2017, and that they went to work in fear they would otherwise lose their employment. *Id.* at 5, 7. On March 14, 2017, therefore, the Court ordered Defendant to respond to Plaintiffs’ declarations. Docket No. 22. The Court also set a hearing on the order to show cause for March 28, 2017. *Id.*

On March 20, 2017, Defendant responded to Plaintiffs’ response to the order to show cause. Docket No. 23. Defendant submitted declarations and documentary evidence demonstrating that Plaintiff Patrick was not scheduled to work on March 7, 2017, was not called in that day and, in fact,

1 did not work on March 7, 2017. Docket No. 23-2 at 2; Docket No. 23-3 at 2; Docket No. 23-4 at 2;
2 Docket No. 23-6 at 2. Similarly, Defendant presented evidence that Plaintiff Parga knew at least one
3 week in advance that she would be scheduled to work from 6:00 a.m. to 2:00 p.m. on the day of the
4 ENE. Docket No. 23-2 at 2-3; Docket No. 23-5 at 2; Docket No. 23-7 at 2. Defendant also
5 presented evidence that Plaintiff Parga's employer was unaware of her court date and, had she asked
6 to miss her shift to attend the ENE, would have allowed her to do so with no adverse consequences.
7 Docket No. 23-2 at 2-3; Docket No. 23-7 at 2.

8 At the March 28, 2017 hearing, Plaintiff Patrick admitted that she did not work on March 7,
9 2017 and that she was not called in on that day. Plaintiff Patrick submitted that she thought she was
10 scheduled to work beginning at 12:30 p.m. – three hours after the start of the ENE – but was told that
11 she was not scheduled when she arrived at her workplace, at which point she went home. Plaintiff
12 Parga stated that she was aware in advance that she was scheduled to work from 6:00 a.m. to 2:00
13 p.m. on March 7, 2017, and that someone from her attorney's office told her to go to work rather
14 than attend the ENE.

15 It is clear to the Court that Plaintiff Patrick's response to the Court's order to show cause was
16 less than candid. Additionally, the failure of Plaintiffs Patrick and Parga to attend the ENE wasted
17 the time and resources of this Court, the other plaintiffs in this case, Plaintiffs' and Defendant's
18 counsel, and Defendant. While Plaintiff Parga clearly violated the Court's order and the Court does
19 not condone any violations of its orders, the Court finds that she received bad information from
20 someone at her attorney's office, and that she was actually at work on March 7, 2017. Accordingly,
21 the Court will not sanction Plaintiff Parga, but instead ADMONISHES her to follow all Court orders
22 in the future.

23 Plaintiff Patrick, however, knowingly violated the Court's order to appear at the ENE, and
24 submitted a sworn declaration to the Court that contained false information. The Court, therefore,
25 SANCTIONS Plaintiff Patrick, pursuant to LR IA 11-8(d), in the amount of 1/8 of the reasonable
26 attorneys' fees and costs incurred by Defendant in preparing for and attending the ENE, and 1/2 of
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1 the reasonable attorneys' fees and costs incurred in preparing the response at Docket No. 23.
2 Defendant shall submit documentation and authority for its reasonable attorneys' fees in accordance
3 with this Order, no later than April 5, 2017. Plaintiff Patrick shall respond to Defendant's filing no
4 later than April 10, 2017. Defendant may reply to Plaintiff's response no later than April 12, 2017.

5 IT IS SO ORDERED.

6 DATED: March 29, 2017.

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9 NANCY J. KOPPE
10 United States Magistrate Judge
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